

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MIRACLE HURSTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-cv-04890-TWP-DLP
)	
INDIANA GAMING COMPANY LLC d/b/a)	
HOLLYWOOD CASINO LAWRENCEBURG,)	
DOES I THROUGH X INCLUSIVE, ROE)	
BUSINESS ENTITIES I THROUGH X)	
INCLUSIVE, and PENN NATIONAL GAMING,)	
INC. d/b/a HOLLYWOOD CASINO,)	
)	
Defendants.)	

ORDER DENYING MOTION FOR LEAVE TO AMEND COMPLAINT

This matter is before the Court on a Motion for Leave to Amend Complaint, (Dkt. 131), filed by *pro se* Plaintiff Miracle Hurston ("Mr. Hurston"). On December 11, 2019, Mr. Hurston initiated this action by filing a Complaint, (Dkt. 1), which he promptly amended as a matter of right on January 21, 2020. (Dkt. 5.) Thereafter, Mr. Hurston requested and was granted leave to file several amended complaints. On June 11, 2021 he filed the operative Fifth Amended Complaint. (Dkt. 128.) In the present Motion, Mr. Hurston seeks leave to file a sixth amended complaint in order to properly "name defendants Indiana Gaming Company LLC dba Hollywood Casino Lawrenceburg, and drop Penn National Gaming INC. [sic] as addressed in the docket [127] ruling" and "the [sixth] amended complaint will include only the current remaining claims of USC 42 1981 discrimination, intentional infliction of emotional distress, and breach of contract." (Dkt. 131.)

Courts are instructed to deny leave to amend for such reasons as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments

previously allowed undue prejudice to the opposing party by virtue of allowance of the amendment, and futility of [the] amendment.” *Airborne Beepers & Video, Inc. v. A T & T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007); *Hukic v. Aurora Loan Services*, 588 F.3d 420, 432 (7th Cir.2009) (internal citation omitted).

The Court has previously allowed Mr. Hurston leave to cure deficiencies in his complaints by amendments. (*See* Dkts. 113, 127.) The dispositive motions deadline of July 12, 2021 has expired and permitting Mr. Hurston to again amend the complaint would delay these proceedings and prejudice the defendants—discovery has been completed, the defendants have filed a Motion for Summary Judgment, (Dkt. 139), and Mr. Hurston has filed a Cross Motion for Summary Judgment (Dkt. 145). The time for amending the complaint is over. *See Johnson v. Cypress Hill*, 641 F.3d 867, 873 (7th Cir. 2011) (finding that the prejudice that would result from amendment “well after the close of discovery and on the eve of summary judgment proceedings”).

Accordingly, the Motion for Leave to Amend Complaint, Dkt. [131], is **DENIED**.

SO ORDERED.

Date: 8/13/2021



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

DISTRIBUTION:

Miracle Hurston
1812 Grand Avenue
Middletown, Ohio 45044

Catherine A. Breitweiser-Hurst
JOHNSON & BELL, P.C.
breitweiserhurstc@jbltd.com

Edward W. Hearn
JOHNSON & BELL, LTD. (Crown Point)
hearne@jbltd.com